

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|------------------------|---|-----------------------|
| In re: |) | Case No. 18-31185 |
| |) | |
| Harlow N. Higinbotham, |) | Chapter 11 |
| |) | |
| Debtor. |) | Hon. LaShonda A. Hunt |

NOTICE OF MOTION

To: See attached Certificate of Service

On **Thursday, January 10, 2019** at **11:00 a.m.** the undersigned shall appear before the Honorable LaShonda A. Hunt in the courtroom usually occupied by her, Room 719 in the Dirksen Federal Courthouse, 219 S. Dearborn St., Chicago, Illinois and then and there present the attached **MOTION TO WITHDRAW APPEARANCE FOR SUSAN S. HIGINBOTHAM**, a copy of which is attached hereto and hereby served upon you.

Respectfully Submitted,

FIGLIULO & SILVERMAN, P.C.

By: /s/ Michael K. Desmond
One of Its Attorneys

Michael K. Desmond (#6208809)
Figliulo & Silverman, P.C.
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
312-251-5287 (direct)
312-251-4610 (Fax)
mdesmond@fslegal.com

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| Debtor. |) | Hon. LaShonda A. Hunt |

**MOTION TO WITHDRAW APPEARANCE FOR
SUSAN S. HIGINBOTHAM**

Michael K. Desmond and the attorneys at the law firm of Figliulo & Silverman, P.C. (collectively “F&S”), pursuant to Local Bankruptcy Rule 2091-1 and Local District Court Rule 83.17, move this Honorable Court for leave to withdraw their appearance in this matter on behalf of claimant Susan S. Higinbotham (“Susan Higinbotham”) In support of their motion, F&S states as follows:

1. On or about November 5, 2018 (“Petition Date”), the Debtor Harlow N. Higinbotham (“Debtor”) filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §101, *et seq.* (“Bankruptcy Code”). The Debtor has remained in possession and control of his assets and continues to operate his affairs pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

2. Susan Higinbotham is the legal spouse by marriage of the Debtor.

3. Susan Higinbotham holds an ownership interest in significant assets of the Debtor including but not limited to real estate holdings, personal property, bank accounts and securities accounts. In addition, Ms. Higinbotham is a significant creditor of this estate.

4. On or about November 13, 2018, F&S filed an appearance in this bankruptcy case on behalf of Susan Higinbotham. [*Dkt. No.* 13].

5. On or about December 28, 2018, Susan Higinbotham filed a Petition for

Dissolution of Marriage in the Circuit Court of Will County, Illinois under Case No. 2018 D 002206 (“Divorce Petition”).

6. On January 7, 2019, Susan Higinbotham notified F&S of the pending Divorce Petition, and her desire to retain other counsel to represent her interests in this bankruptcy case.

7. F&S is advised that Ms. Higinbotham has retained attorney Bradley S. Block to continue to represent her in this bankruptcy case.

WHEREFORE, Michael K. Desmond and the attorneys at the law firm of Figliulo & Silverman, P.C. seek the entry of an order withdrawing their appearance on behalf of Susan Higinbotham in this Chapter 11 bankruptcy case, and granting leave to attorney Bradley S. Block to file a substitute appearance on her behalf.

Respectfully Submitted,

FIGLIULO & SILVERMAN, P.C.

By: /s/ Michael K. Desmond
One of Its Attorneys

Michael K. Desmond (#6208809)
Figliulo & Silverman, P.C.
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
312-251-5287 (direct)
312-251-4610 (Fax)
mdesmond@fslegal.com

CERTIFICATE OF SERVICE

The undersigned attorney states that on January 8, 2019 a copy of the attached:

NOTICE OF MOTION

and

MOTION TO WITHDRAW APPEARANCE FOR SUSAN S. HIGINBOTHAM

was served on all parties listed below in accordance with Fed. R. Bankr. P. 2002, the General Order on Electronic Case Filing and subject to the provisions of Fed. R. Civ. P. 5(b)(3), the Notice of Electronic Filing that is issued through the court's Electronic Case Filing System will constitute service under Fed. R. Civ. P. 5(b)(2)(D) and Fed. R. Crim. P. 49(b) as to all Filing Users in a case assigned to the court's Electronic Case Filing System. Anyone listed below who is not registered with the Bankruptcy Court CM/ECF system was served via U.S. Mail, postage prepaid and deposited before 5:00 p.m. in the mailbox located at 10 S. LaSalle, Chicago, Illinois 60603.

By: /s/ Michael K. Desmond

Mailing Information for Case 18-31185 – Electronic Mailing List

- **Bianca E Ciarroni** bciarroni@freeborn.com, bkdocketing@freeborn.com
- **Michael K Desmond** mdesmond@fslegal.com, dorisbay@fslegal.com
- **Deborah K Ebner** dkebner@deborahEbnerlaw.com, webmaster@debnertrustee.com; lizd@deborahEbnerlaw.com
- **William J Factor** wfactor@wfactorlaw.com, wfactorlaw@gmail.com; bharlow@wfactorlaw.com; wfactor@ecf.inforuptcy.com; wfactormyecfmail@gmail.com; factorwr43923@notify.bestcase.com
- **Shira R Isenberg** sisenberg@freeborn.com, bkdocketing@freeborn.com; jhazdra@ecf.inforuptcy.com
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov
- **Jeffrey K. Paulsen** jpaulsen@wfactorlaw.com, bharlow@wfactorlaw.com; jpaulsen@ecf.inforuptcy.com
- **Nathan Q. Rugg** Nathan.Rugg@bfkn.com, jean.montgomery@bfkn.com
- **Gregory K Stern** greg@gregstern.com, steve_horvath@ilnb.uscourts.gov
- **Stephen G Wolfe** steve.g.wolfe@usdoj.gov, jennifer.r.toth@usdoj.gov

Manual Notice List

Via U.S. Mail

Harlow N Higinbotham
RD No. 2
2002 East Cass Street
Joliet, IL 60432

Via Hand Delivery

Susan Higinbotham
1500 N. Lake Shore Drive
Unit 13C
Chicago, IL 60610